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BY ECF:
June 21, 2024

Hon. Philip M. Halpern
United States District Court Judge
Southern District of New York
300 Quaroppas Street
White Plains, NY 10601

Re: United States v. DeShawn Tho

Dear Judge Halpern,

Application granted. The sentencing scheduled for July 25, 2024 is adjourned to September 19, 2024 at 11:30 a.m. It is the Government's responsibility to have the defendant produced to Courtroom 520 at that time. Defendant's sentencing submission is due by August 29, 2024 and the Government's response is due by September 5, 2024. The Clerk of Court is respectfully directed to terminate the pending letter-motion (Doc. 918).

SO ORDERED.


Philip M. Halpern
United States District Judge

Dated: White Plains, New York
June 25, 2024

I am writing to respectfully request a 10 week delay of Mr. Thomas' Sentencing Hearing which is currently scheduled for July 25th. There has been a continuing problem in receiving certain mental health records that are particularly necessary for Mr. Thomas' sentencing which prior counsel had never sought to get. They are coming in, but very slowly. Without these documents counsel would not be able to provide the Court with a complete history of Mr. Thomas and thus I believe it would negatively impact Mr. Thomas' ability to receive a fair and just sentence. The request is also necessitated because myself and the mitigation experts have had a very difficult time seeing Mr. Thomas at the MDC. Time after time we arrive at the MDC only to be told that visits have been canceled for the day and we are not allowed to see Mr. Thomas. I have spoken with the mitigation experts that the Court assigned to this case and they have both informed me that due to the delays in receiving the documents and the closures at the MDC they have been unable to complete their reports. They have made every effort to do so but it is just impossible.

I apologize for this request and I know the Court has indulged my prior requests but I can assure the Court that none of this delay is the fault of the mitigation experts or myself. I can't adequately represent Mr. Thomas at his sentencing without the reports from the mitigation experts. I would be committing malpractice if I did. There are many reasons why Mr. Thomas stands before this Court for sentencing and many of them have resulted from his personal history. To proceed to sentencing without a complete record of his life story and how it has impacted him over the years would be a miscarriage of justice. I know this request for extension is a great deal amount of time but every day of it is necessary so that I and the mitigation experts can do their job. Mr. Thomas is facing well over two decades in prison, respectfully justice requires that the Court grant this request so that Mr. Thomas has the full benefit of his right to counsel and this Court has everything it needs before it to arrive at a just sentence in this matter.

For all these reasons I respectfully request the afore-mentioned 10 week adjournment so I can adequately represent Mr. Thomas during his sentencing.

Thank you very much for your attention to this matter.

Most respectfully,

David Touger
David Touger